IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.CJ.

APPEAL NO. 446 OF 2006
IN
COMPANY PETITION NO.463 OF 2005

M/s.B.N.Mistry and another .. Appellants
v/s.
M/s.Capricon Lifestyle Ventures Private Ltd. .. Respondent

Mr.K.J.Munshi i/by M/s..Udwadia & Udeshi for the Appellants.

Mr.M.P.S.Rao with Mr.Gaurav Kothari i/by M/s.Deven Dwarkadas & Partners for the respondent.

CORAM : R.M.LODHA &
S.A.BOBDE, JJ.

DATED : 21ST AUGUST, 2006.

P.C.

The counsel for the appellants submits that by the common order dated 9th March, 2006, the three company petitions were dismissed by dealing with the facts of company petition No.689 of 2005. The counsel for the appellants also submits that the learned Company Judge was informed of the distinct and different facts in all the three company petitions but despite that the facts of the company petition No.463 of 2005 out of which this appeal arises, were not seen. If that was so, the appellants ought to have filed review application seeking review of the order dated 9th March, 2006.

2. Confronted with this difficulty, the counsel for the appellants prays for withdrawal of this appeal with liberty to the

appellants to file review application.

3. Appeal is allowed to be withdrawn with liberty as prayed.

(R.M.LODHA, J.)

(S.A.BOBDE, J.)